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MARTIN & FERRARO, LLP
1925 Century Park East, 17th Floor
Los Angeles, California 90067

JUN 27 2006

Telephone
(310) 286-9800Facsimile
(310) 286-2795

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TO:

Name: Mail Stop AF
Group Art Unit 3764/Examiner M. Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 08/480,461

Gary K. Michelson

Filed: June 7, 1995

INSTRUMENTATION FOR THE SURGICAL
CORRECTION OF HUMAN THORACIC AND
LUMBAR SPINAL DISEASE FROM THE
LATERAL ASPECT OF THE SPINE

Attorney Docket No. 102.0010-01000

Customer No. 22882

Confirmation No.: 9274

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 8

Date: June 27, 2006

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,400.00 total amount to cover the \$900 third-month extension fee and \$500 Notice of Appeal fee is to be charged to Deposit Account No. 50-3726), Notice of Appeal, and a Pre-Appeal Brief Request for Review and Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on June 27, 2006.



Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 102.0010-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE
SURGICAL CORRECTION OF
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LATERAL ASPECT OF THE SPINERECEIVED
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JUN 27 2006

Confirmation No.: 9274

Art Unit: 3764

Examiner: Michael Brown

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Amendment filed in response to the Final Office Action dated December 27, 2005, transmitted herewith is a Notice of Appeal in the above-identified application.

No additional fee is required.

Applicant hereby requests a third-month extension of time to respond to the above Office Action (noting that a one-month extension fee has previously been paid).

A Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.

The total amount of \$1,400.00 to cover the \$900 third-month extension fee and \$500 Appeal fee is to be charged to Deposit Account No. 50-3726.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

By:


Amadeo F. Ferraro
Registration No. 37,129

Date: June 27, 2006

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

FORM PTO-1083

Attorney Docket No.: 102.0010-01000
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